

These minutes have been approved by the Board on 2.1.2021

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
December 7, 2020

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chairperson, Vicki Criswell, at 10:32 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, LU1, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 12.2.2020.

Members Present (10):

The following members answered roll call:

Shannon Bingham, Member
Matt Bavougian, Member
Vicki Criswell, Chair
Jacqueline Hornig, Member
Ruth Lucas, Member
Marie Nordboe, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pamela Rowland, Secretary
Harold "Buddy" Sims, Member

Members Absent (1):

Bridget Anderson, Vice-Chair

Others Present in Conference Room:

Kris Chiles, Program Manager, Licensure Unit
Natalee Hart, Assistant Attorney General
Heidi Weiland, Health Licensing Coordinator
Larry Wiehn, DHHS Investigation
Anna Harrison, DHHS Compliance Monitor
Rachel O'Toole, DHHS Attorney

A quorum was present and the meeting convened.

Introduction of the newest member of the board: Matt Bavougian, Pam Rowland volunteered to be a mentor for Mr. Bavougian.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES – 9.14.2020, 10.5.20 and 11.2.20

MOTION: Nordboe moved, seconded by Rowland, to approve the 9.14.2020 with no changes. A voice vote was taken. Voting aye: Bingham, Criswell, Nordboe, Pettigrew, Phillips, Rowland, Sims (7). Voting nay: None (0). Abstain: Bavougian, Hornig, Lucas (3). Absent: Anderson (1). Vacant positions (2). Motion carried.

MOTION: Nordboe moved, seconded by Rowland, to approve the 10.5.20 with changes made during the meeting. A voice vote was taken. Voting aye: Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (9). Voting nay: None (0). Abstain: Bavougian (1). Absent: Anderson (1). Vacant positions (2). Motion carried.

11.2.20 minutes will be deferred until next meeting.

10:46 a.m. Anderson entered the room

4. COVID-19: Executive Orders, Continuing Education, Re-Opens, and Press Releases

<https://dhhs.ne.gov/licensure/Pages/Cosmetology-and-Esthetics.aspx>

The following was discussed:

- The Executive Orders are still in effect
- Masks are mandated in certain cities of Nebraska
- If a client has had COVID do they still need to wear a mask, Yes everyone still needs to wear masks per the guidelines, you can get COVID several times, be vigilant and wear your masks
- Review the governor's guidelines (red/orange zones)

5. UPDATES:

- a. Renewals: Cosmetologists expire 12.31.2020, options for online CEs and waivers
- b. Regulations 172 NAC 44-46 (body art); waiting for 2nd public hearing approved by the governor through the policy research office
- c. 2021 Legislation:
 - Rowland met with Kolterman, he will reintroduce the nail/BA bill LB 607, next year
 - Platte Institute signed off on the body art portion of the bill but want a meeting to discuss nail technology
- d. License Statistics: provided to members
- e. Licensure Staffing Assignments: Macy Cisneros hired as health licensing specialist (Vicki Nelson retired)

11:16 a.m. Meyerson, Investigator, entered the call

6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Lucas, to enter into closed session at 11:16 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

11:26 a.m. O'Toole exited call
12:10 p.m. Break, Meyerson off call, Wiehn exited the room
12:18 p.m. Returned to closed session
1:00 p.m. O'Toole on call, Hart left the room

7. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

Verbal agreement from all board members to enter into open session at 1:12 p.m.

1:12 p.m. O'Toole exited the call, Hart returned to the room

Joshua Dodge – Body Art – Reinstatement

MOTION: Nordboe moved, seconded by Hornig, to recommend 1 year probation, no solo practice, and quarterly employer reporting. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Nordboe, Pettigrew, Phillips, Rowland, Sims (10). Voting nay: None (0). Abstain: Lucas (1). Absent: None (0). Vacant positions (2). Motion carried.

Wyatt Opalinski – Body Art and Body Piercer – Initial

MOTION: Anderson moved, seconded by Nordboe, to recommend 3 year probation, Quarterly employer reports, Drug and Alcohol bodily fluid screening, abstain for drugs and alcohol, no solo practice, follow current and any future evaluation recommendations. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Nordboe, Pettigrew, Phillips, Rowland, Sims (10). Voting nay: None (0). Abstain: Lucas (1). Absent: None (0). Vacant positions (2). Motion carried.

Tyler Johnson – Body Art – Initial

MOTION: Anderson moved, seconded by Pettigrew, to recommend 6 month probation, successfully pass the Body Art jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Abstain: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Anita Hinkle - Esthetician - Initial

MOTION: Anderson moved, seconded by Nordboe, recommend to defer for additional information. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Ochoa, Daniel – Body Art - Initial

MOTION: Anderson moved, seconded by Rowland, recommend to defer for additional information. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Rachel Olson – Cosmetologist- Reinstatement

MOTION: Anderson moved, seconded by Lucas, recommend to 6 month probation, and successfully pass the Cosmetology jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Jevell Turner-Dunlap – Cosmetologist – Initial

MOTION: Nordboe moved, seconded by Pettigrew, recommend to defer for additional information. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Sarah Sheppard – Cosmetologist – Reinstate after discipline Initial

MOTION: Nordboe moved, seconded by Lucas, recommend to grant early release on the basis of complying with board's terms and conditions and no positive body fluid screenings. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Donald Jensen – Body Artist – Reinstate

MOTION: Nordboe moved, seconded by Pettigrew, recommend to 1 year probation, quarterly employer reports and all standard terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Nordboe, Pettigrew, Phillips, Rowland, Sims (10). Voting nay: Lucas (1). Absent: None (0). Vacant positions (2). Motion carried.

8. Annual Business

- a. Schedule 2021 Meetings: The following dates were agreed to:
1.11.21, 2.1.21, 3.1.21, 4.12.21, 5.3.21, 6.7.21, 7.12.21, 8.2.21, 9.13.21, 10.4.21, 11.1.21, 12.6.21
- b. Approval of Method of Noticing Meeting Agendas
Current method is post in the licensure unit lobby, on our website and by email to those who want an email

MOTION: Anderson moved, seconded by Pettigrew, to approve the current method of notice. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

- c. Board Member Per Diems and Compensation Recommendations
(Neb. Rev. Stat. §38-171)

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

All board members verbally agreed on the current per diem amounts, see below for items 1-5. Additionally, if a board member testifies or represents the board, they can get an additional per diem.

1. \$20 for meeting prep
2. \$50 for each day in attendance at regular board meeting
3. \$50 for travel days when overnight stay with meeting attendance
4. \$50 for each day of attendance at National Meeting, including travel days when overnight stay
5. \$50 for attending board related meeting, approved by the Board as the Board representative for the meeting

d. Elections and Appointments

- Election of Officers - Current Officers: Chair: Criswell, Vice-Chair: Anderson and Secretary: Rowland

Nordboe made the following nominations:

- Chair: Anderson,
- Vice-Chair Rowland and
- Secretary: Hornig.

All board members verbally agreed with the nominations.

- Appointment of Investigative Consultants:
 - Criswell – Esthetics
 - Sims – Nail Technology
 - Bingham and Nordboe – Cosmetology
 - Criswell – Electrology
 - Bavougian – Body Art

9. ADJOURNMENT

Anderson announced the next meeting is scheduled on 1.11.21 as a conference call and declared the meeting adjourned at 1:52 p.m.

Submitted,

Jackie Hornig, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by:

Heidi Weiland, Health Licensing Coordinator, Licensure Unit